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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,516	12/30/1998	DENNIS M. O'CONNOR	INTL-0134-US	1486

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EXAMINER	
NGUYEN, HUY THANH	
ART UNIT	**PAPER NUMBER**
2616	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/223,516	O'CONNOR ET AL.	
	Examiner	Art Unit	
	HUY T. NGUYEN	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *45-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *45-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 45-46 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heo et al (US 2002/0176689 A1) in view of Hakamada et al (4,845,564).

Regarding claim 45, He discloses a receiver (Fig. 2) , page 1 section 0021, page 2 , sections 0023 –0035) comprising:

a first device (ANT and tuner) to receive a broadcast television program;

a second device (206) coupled to said first device to detect a characteristic of said program (highlight portion); and

a video recorder (205) to record as a replay a portion of said program in response to the detection of said characteristic;

Heo fails to teach a video display device to display the replay in a reduced size while said first device continues to receive the program.

Hakamada teaches a receiver Fig. 1, columns 6-7) having a display device for displaying a replay of a recorded video signal in a reduce size (sub channel picture)while the first device (tuner) continues to receive a program (column 7 lines 1-40) 6 and 7) .

It would have been obvious to on of ordinary skill in the art t odify Heo with Hakamada by providing the apparatus of Heo with a display device for displaying a replay in a reduce size thereby enabling the view easily discriminating and selecting the received video signal and replay video signal.

Regarding claim 46, Heo further teaches the second device to detect a queue encoded with the program (Fig. 4).

Regarding claim 49, Heo further teaches said second device to detect a signal indicating that recording should start and another signal indicating that recording should end (Fig. 6 and 8).

Regarding claim 50, Heo further teaches said first device to receive a signal including a queue to indicate the start of recording by said video recorder (Fig. 4).

3. Claims 45-47 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al (5,778,137) in view of Hakamada et al (4,845,564)

Regarding claim 45, Nielsen discloses a receiver comprising a first device for receiving a broadcast program; a second device a second device (206) coupled to said first device to detect a characteristic of said program (highlight portion) (reference level; and

a video recorder (205) to record as a replay a portion of said program in response to the detection of said characteristic (column 1, lines 50-65, column 2, lines 30-36, column 3, lines 1-41, column 4, lines 5-20).

Hakamada teaches a receiver Fig. 1, columns 6-7) having a display device for displaying a replay of a recorded video signal in a reduce size (sub channel picture)while the first device (tuner) continues to receive a program (column 7 lines 1-40) 6 and 7) .

It would have been obvious to on of ordinary skill in the art to modify Nielsen with Hakamada by providing the apparatus of Nielsen with a display device control means for displaying a replay in a reduce size thereby enabling the view easily discriminating and selecting the received video signal and the replay video signal.

Regarding claim 46, Nielsen further teaches the second device to detect a queue encoded with the program (column 3, lines 5-20).

Regarding claim 47, Nielsen further teaches said receiver is a computer system. (column 15, lines 15-21).

Regarding claim 49, Nielsen further teaches said second device to detect a signal indicating that recording should start and another signal indicating that recording should end (Column 3, lines 8-20, column 4, lines 40-50) ..

Regarding claim 50, Nielsen further teaches said first device to receive a signal including a queue to indicate the start of recording by said video recorder (column 3 lines 8-20, column 4, line 40-50)).

4. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen in view of Hakamada et al as applied to claim 45 above, and further in view of Lee e al Ottesen et al (5,721,878).

Regarding claim 48, Nielsen further teaches that the receiver can record a plurality of relays (column 2, lines 1-10) but fails to teaches means for concatenating .

Ottesen teaches said receiver to automatically concatenate a series of recorded replays (column 14, lines 25-35, Figs. 8 and 9) .

It would have been obvious to one of ordinary sill in the art to modify Nielsen with Ottesen by provide the receiver of Nielsen with a concatenating means as taught by Ottesen for enhancing the capacity of the apparatus of Nielsen in concatenating the recoded relay.

5. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over al Heo (US 2002/0176689 A1) in view of Hakamada et al (4,845,564) as applied to claim 45 above, and further in view of Lee et al (6,310,839).

Regarding claim 48, Heo fails to teach means for concatenating the recorded replay.

Lee teaches a receiver to automatically concatenate a series of recorded replays (Fig. 7).

It would have been obvious to one of ordinary sill in the art to modify Heo with Lee by provide the receiver of with a concatenating means as taught by Lee for enhancing the capacity of the apparatus of Heo in concatenating the recoded relay.

Response to Arguments

6. Applicant's arguments with respect to amended claims filed 11 December 2004 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HUY NGUYEN
PRIMARY EXAMINER